

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

301 State House
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FISCAL IMPACT STATEMENT

LS 6531

BILL NUMBER: SB 217

DATE PREPARED: Mar 2, 2001

BILL AMENDED: Mar 1, 2001

SUBJECT: Cloning.

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FUNDS AFFECTED: X **GENERAL**
DEDICATED
FEDERAL

IMPACT: State

Summary of Legislation: (Amended) This bill defines "cloning" as the growing or creation of a human being from a single cell or cells of a genetically identical human being through asexual reproduction. The bill provides that the term does not apply to techniques of assisted reproductive technology. The bill prohibits the State Department of Health from using money appropriated to or administered by the State Department of Health or allowing employees or facilities of the State Department of Health to be used to participate in or otherwise support research or other activities relating to the cloning of a human being. The bill also requires the State Department of Health to revoke the license of a hospital if the State Health Commissioner proves by a preponderance of the evidence that the hospital participates in or otherwise supports research or other activities facilitating the cloning of a human being. The bill further requires the Medical Licensing Board to revoke a physician's license if the Attorney General proves by a preponderance of the evidence that the physician participates in or otherwise supports research or other activities facilitating the cloning of a human being. The bill prohibits funds appropriated under the biennial budget enacted in 2001 from being used for research or any other activity relating to cloning of a human being. The bill also states that a person who participates in the cloning or attempted cloning of a human being commits a Class C felony.

Effective Date: Upon passage.

Explanation of State Expenditures: (Revised) This bill prohibits the State Department of Health from using any funds appropriated to or administered by the Department to be used to support any activities relating to the cloning of a human being. This provision prohibits the Department from spending state funds or devoting state resources to a specified activity in which the Department does not currently participate.

The bill also requires the State Department of Health to revoke the license of a hospital if the State Health Commissioner proves by a preponderance of the evidence that the hospital participates in or otherwise supports research or other activities facilitating the cloning of a human being.

The bill further requires the Medical Licensing Board to revoke a physician's license if the Attorney General after appropriate notice and the opportunity for a hearing, proves by a preponderance of the evidence that the physician participates in or otherwise supports research or other activities facilitating the cloning of a human being. This provision could result in additional administrative expenses for the Attorney General's Office.

The bill also prohibits funds appropriated under the biennial budget enacted in 2001 from being used for research or any other activity relating to cloning of a human being. No funds appropriated by the State may be used to support research related to the cloning of a human being.

The bill also establishes unlawful participation in human cloning as a Class C felony. A Class C felony is punishable by a prison term ranging from two to eight years depending upon mitigating and aggravating circumstances.

The average expenditure to house an adult offender was \$20,700 in FY 1999. Individual facility expenditures ranged from \$14,936 to \$37,807. (This does not include the cost of new construction.) If offenders can be housed in existing facilities with no additional staff, the average cost for medical care, food, and clothing is approximately \$1,825 annually or \$5 daily per prisoner. The average length of stay in DOC facilities for all Class C felony offenders is approximately two years.

Explanation of State Revenues: (Revised) If additional court cases occur and fines are collected, revenue to both the Common School Fund and the state General Fund would increase. The maximum fine for a Class C felony is \$10,000. Criminal fines are deposited in the Common School Fund. If the case is filed in a circuit, superior or county court, 70% of the \$120 court fee that is assessed and collected when a guilty verdict is entered would be deposited in the state General Fund. If the case is filed in a city or town court, 55% of the fee would be deposited in the state General Fund.

Explanation of Local Expenditures: (Revised) If more defendants are detained in county jails prior to their court hearings, local expenditures for jail operations may increase. The average cost per day is approximately \$44.

Explanation of Local Revenues: (Revised) If additional court actions occur and a guilty verdict is entered, local governments would receive revenue from the following sources: (1) The county general fund would receive 27% of the \$120 court fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. (2) A \$3 fee would be assessed and, if collected, would be deposited into the county law enforcement continuing education fund. (3) A \$2 jury fee is assessed and, if collected, would be deposited into the county user fee fund to supplement the compensation of jury members.

State Agencies Affected: The Department of Health, Medical Licensing Board, Attorney General, State-supported Universities, Department of Correction.

Local Agencies Affected: Trial courts, local law enforcement agencies.

Information Sources: Indiana Sheriffs Association, Department of Correction.